

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

M2 CONSULTING, INC.

Plaintiff,

v.

C.A. No. 03-12589-GAO

MRO SOFTWARE, INC.

Defendant.

MRO SOFTWARE, INC.'S MOTION FOR SHORT ORDER OF NOTICE

Defendant and Plaintiff-in-Counterclaim MRO Software, Inc. ("MRO") respectfully moves that the Court order M2 Consulting, Inc. ("M2") to file its opposition to the **Emergency Motion for Expedited Discovery into Issues Related to Copyright Infringement** ("Motion for Expedited Discovery" or the "Motion"), filed herewith, no later than March 30, 2005. MRO further requests that the Court schedule an emergency hearing on the Motion on March 31 or April 1, 2005, or if those dates are inconvenient, at the Court's earliest available date thereafter.

As set forth in the Verified Amended Counterclaim (the filing of which is not opposed by M2) and the Motion for Expedited Discovery, filed herewith, recent discovery concerning M2's allegations against MRO (during which M2 produced over 40,000 electronic email files), has revealed that M2 has continued to supply MRO's MAXIMO software to new customers following termination of M2's contractual rights to sell MAXIMO. Because MRO's MAXIMO software is "hosted" by M2 over the Internet, MRO needs access to the computer equipment that M2 uses to "host" the software in

order to present the Court with a full record of M2's illegal copying of the software, upon which it will seek a preliminary injunction stopping M2's continued infringement.

The Court's action on the Motion is a matter of some urgency. MRO has moved expeditiously upon discovering the infringement. In cases involving copyright infringement irreparable harm is presumed, and MRO is suffering irreparable harm if, as M2's documents appear to indicate, M2 continues to license MRO's MAXIMO software to new customers without any authorization to do so. The Short Order of Notice requested by this Motion will allow the Court to quickly hear MRO's Motion for Expedited Discovery and, if the Court allows the Motion, enable MRO to move forward with focused discovery that will support a preliminary injunction and put a stop to what appears to be an egregious violation of MRO's copyright rights.

Respectfully Submitted,

/s/ Kurt Bratten

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Dated: March 25, 2005

Local Rule 7.1 Certificate of Compliance

Counsel for the Defendant hereby certifies that, pursuant to Rule 7.1(A)(2) of the Local Federal Rules of Civil Procedure, he (1) has conferred with counsel for the Plaintiff regarding the attached Motion, and (2) has attempted in good faith to resolve or narrow the issues presented.

/s/ Kurt Bratten
Kurt Bratten